

Claim: Dan Kennedy and Scott Lamm have a history of election fraud using paid circulators that intentionally mislead voters. Dan Kennedy's company and Scott Lamm himself have circulated petitions in Wisconsin, with the same results.

“House Speaker Terrance Carroll, D-Denver, introduced legislation on Tuesday designed to address abuses that plagued the ballot initiative process in Colorado last election season.

Co-sponsored in the House by Lois Court, D-Denver, and in the Senate by Majority Leader Brandon Shaffer, D-Longmont, the bill aims narrowly to address the petitioning process, where signatures in support of initiatives are gathered, and particularly concerns raised regarding the use of paid petition circulators, according to a House Democratic Party press release.

We must hold everyone to the highest standards when we are attempting to change our constitution or statutes, Carroll said. ‘This bill will help to end the fraud and abuse we witnessed firsthand in 2008.’

In the run up to the election, for example, petition circulators paid by Colorado Springs-based Kennedy Enterprises to gather signatures for proposed Amendments 47, 53 and 59 allegedly told citizens it was legal to sign someone else's name and that you didn't have to be a registered voter to sign the petitions. Both suggestions are in clear violation of the states petition laws.”¹

In fact, their actions were so dubious that even local party members, such as David Vander Leest of Recall Dave Hansen, complained about the non-professional work of the “out of towners.”



Jill Brooks

Can I ask a question regarding the signatures in question from "out of town" petitioners. If someone signed the petition with an obviously bogus name or address....what should have been done? Should it have been lined out? Voided? Or do you just hand EVERYTHING in and let it be sorted out by the GAB?

Tuesday at 8:23pm · Like · Comment

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Recall Senator Dave Hansen I lined out mine, the should have given me the money, the job would have been done a little more professional. Oh well 5000 extra signature are plenty. -David Vander Leest
Tuesday at 11:11pm · Like

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Ex. 2

¹“Speaker Carroll targets initiative petition process for reform”, John Tomasic, The Colorado Independent - March 25, 2009
Wednesday 11:36 AM EST

“Paid circulators are being accused of misleading voters when asking them to sign petitions. The group is circulation a petition that asks people to sign a 'collective bargaining for city employees' petition.

The circulators have associated themselves with benefits for the fire department even though the fire department would not benefit nor is associated with the petition.

The group works for Kennedy Enterprises.

According to the Colorado Springs Gazette, Kennedy Enterprises was involved in an Indiana investigation in 2000 for placing the names of four people who had died on a petition drive to get then-Republican candidate Gary Bauer onto the state's presidential primary ballot.”²

“The lawsuit . . . alleges 29 violations, most of them against signature-gathering companies Kennedy Enterprises and Lamm Consulting, which were hired by the backers. Allegations include claims that signature gatherers misled people by telling them they didn't have to be registered voters to qualify as petition signers, or that they didn't have to live Colorado.”

“[Jess] Knox [of Protect Colorado's Future] has presented evidence showing circulators listed their residences at the addresses of a vacant lot, a defunct tanning salon and a payday-loan store. The lawsuit also alleges that citizens were encouraged to sign the petitions more than once and that unauthorized notaries were used to certify the signatures.”

'At every step of the process there was criminal fraud and illegality,' Knox said.³

“According to the Colorado Springs Gazette, Kennedy Enterprises was involved in an Indiana investigation in 2000 for placing the names of four people who had died on a petition drive to get then-Republican candidate Gary Bauer onto the state's presidential primary ballot.”

“The consulting firm was again involved a 2006 investigation in Colorado Springs where a petition collector alleged the firm gave misleading information to people in order to obtain signatures for a Colorado Springs School District 11 recall election, according to the Gazette.”

“Fort Collins Mayor Doug Hutchinson, who opposes binding arbitration for city employees, said he received complaints from a number of residents in recent weeks about signature collectors using misleading information.”

"Two or three different citizens at different times have told me that petitioners have told them that the City Council needed their help because they want this issue to be on the ballot," Hutchinson said. "I believe that this council is unanimous in opposing that element of this petition and would remind people that the City Council can add items to the ballot by majority vote." ⁴

2 http://ballotpedia.org/wiki/index.php/Colorado_Springs_ballot_initiative_news

3“Right-to-work backers go directly to Plan B”, Colorado Statesman, 7/4/2008 - <http://www.coloradostatesman.com/content/right-work-backers-go-directly-plan-b>

4“Methods used in petition drive under scrutiny”, 9News Colorado, 1/16/2008 - <http://www.9news.com/news/local/story.aspx?storyid=84594&catid=222>

“The Oklahoma Secretary of State has said this about one such group, the National Ballot Access - there was 'an unprecedented situation where large numbers of duplicate names and addresses were discovered well into the signature counting process' These agencies, National Ballot Access, Kennedy Enterprises, and Lamm Consulting, are being funded here by none other than Johnathan Coors - of the Coors family.”⁵

“Ruth says he collected signatures for the issue on behalf of Kennedy Enterprises and was told the recall would remove 'two Bible- thumpers trying to get rid of public education.' But, his protest says, the issue is really about someone getting fired.

'Firing a superintendent has nothing to do with doing away with public education,' said Judy Ruth, Herbert Ruth's wife, Tuesday.

She encouraged people who signed the petition to go to the county clerk's office and ask that their signatures be removed.

Herbert Ruth also alleges petitions were left on doorsteps with no one to witness signatures.”⁶

He also says petitions were left on doorsteps and there was no explanation about the recall on the petitions.”⁷

“[Lamm] said he and Kennedy have never failed to get an issue on the ballot, and Kennedy has handled about 100 over 12 years.

Lamm maintains hard-working circulators can make as much as \$80,000 a year - so long as they're willing to move and live out of a suitcase. That's mostly because in California they can earn \$3 or \$3.50 a signature. The going rate in Colorado is lower; Lamm and Kennedy like to keep it in the 70- to 90-cent range, but have been known to pay as much as \$2 a signature.

This year a statewide issue needs at least 67,829 signatures from registered voters. For safety that means collecting 100,000 names in all. They've learned the hard way they can't pay circulators, who are independent contractors, just for valid signatures. So long as the circulator can keep a validity rate of 75 percent, he'll get paid for every one. But if the rate slips to 40 percent or 50 percent, he'll get paid only for the good ones.”

Before going electronic in 1989, this newspaper's library kept its clips in little yellow envelopes. Scott earned his own envelope in 1982, at the age of 14. "Lamm, Scott," it says, over the subhead "Vandal."

5“Anti-worker 'Work for less' ballot groups commit fraud on Colorado”, ColoradoPols.com delivered by Newstex, May 30, 2008 Friday 4:15 PM EST

6“Challenges mounting in possible D-11 recall”, SHARI CHANEY, The Gazette (Colorado Springs, Colorado), September 6, 2006 Wednesday

7“Recall vote would be in December”, By SHARI CHANEY GRIFFIN THE GAZETTE, September 01, 2006 12:00 AM - <http://www.gazette.com/articles/election-10526-recall-shakes.html>

It seems that Scott, then living in the governor's mansion, took out his BB gun and plinked a few windows in the apartment building across Logan Street. But he confessed almost immediately and paid \$50 in damages out of his own pocket. The police report called it "criminal mischief" but no charges were ever filed.

There was also the incident four years later in which Lamm and five friends broke into an acquaintance's apartment and took some stereo equipment and other items, allegedly because the victim owed Lamm \$35. But the six quickly settled up, paid the victim \$4,500 in damages and avoided criminal charges.⁸

Two Douglas County Republicans who hired a Nevada company to get on the August primary ballot found out just days before voter signatures were due that the efforts had fallen short.

The firm's attorney said Friday that "criminal behavior may have taken place."

Gschwendtner's campaign said he was the "victim of fraudulent activities by contractors" of the Las Vegas firm, Silver Bullet LLC.

The company has taken responsibility and is considering civil action against a contractor it had used successfully in other states, attorney Russell C. Skousen said in a statement issued Friday.

"It additionally has come to Silver Bullet's awareness that criminal behavior may have taken place ... and Silver Bullet looks forward to helping with any investigation ... in any way possible," Skousen said.

"The work was not only behind schedule and rife with errors that invalidated signatures, but the contractor gave Silver Bullet knowingly false progress reports," Skousen said.

When Silver Bullet made the discovery, it flew in a team of six people to try to "recount and re-validate every signature gathered, confirming the inaccurate numbers and error-ridden signatures," he said.

Campaign finance records show Gschwendtner also hired a second signature company, Kennedy Enterprises of Colorado Springs, paying it at least \$34,000.

Two other statewide candidates, Jane Norton for U.S. Senate and Walker Stapleton for state treasurer, successfully petitioned to get on the ballot. Both Republican campaigns paid the Kennedy firm about \$100,000."⁹

⁸"NEW LAMM IN THE FOLD", Peter Blake, Rocky Mountain News (Denver, CO) - May 12, 2004

⁹"FAILED NAME-GATHERING - Fraud alleged in work by firm", Lynn Bartels The Denver Post, June 19, 2010 Saturday

A formal complaint filed in October charges that ACT violated state law by not reporting expenditures in excess of \$200,000 to the Secretary of State's office while it was campaigning on behalf of three controversial ballot measures.

Grueskin noted that ACT was paying a petition-gathering firm, Colorado Springs-based Kennedy Enterprises, to gather 300,000 signatures to get several initiatives onto the 2010 ballot.

Grueskin submitted extensive correspondence between Dan Kennedy — head of Kennedy Enterprises — and [Defendant Douglas] Bruce, which outlined direct orders from Bruce on the petitioning process.

One of the orders was for petitioners to not identify Bruce as the prime backer of the measures.

In one missive, Bruce told Kennedy to make sure petition circulators use only medium-point pens, because “fine point are too hard to read.” In another, Bruce suggested that circulators wear disguises and give fake names to avoid being framed for crimes.¹⁰

¹⁰“Bruce a no-show at campaign finance hearing”, JOHN SCHROYER, THE GAZETTE - December 14, 2010 12:26 PM - <http://www.gazette.com/articles/together-109581-bruce-campaign.html>

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March 25, 2009 Wednesday 11:36 AM EST

LENGTH: 799 words

HEADLINE: Speaker Carroll targets initiative petition process for reform

BYLINE: John Tomasic

BODY:

Mar. 25, 2009 (Center for Independent Media delivered by Newstex) --

(Photo/anthonygrimley, Flickr)

House Speaker Terrance Carroll, D-Denver, introduced legislation on Tuesday designed to address abuses that plagued the ballot initiative process in Colorado last election season.

Co-sponsored in the House by Lois Court, D-Denver, and in the Senate by Majority Leader Brandon Shaffer, D-Longmont, the bill aims narrowly to address the petitioning process, where signatures in support of initiatives are gathered, and particularly concerns raised regarding the use of paid petition circulators, according to a House Democratic Party press release.

Given the attention petition fraud garnered last year in Colorado, the speaker's new bill would seem a natural for bipartisan support. And in fact, in a break with the partisan showdowns that have characterized this session so far, House and Senate Minority Leaders Mike May and Josh Penry, respectively, have signed on as sponsors of the bill, as has Republican Rep. Amy Stephens of Monument.

"We must hold everyone to the highest standards when we are attempting to change our constitution or statutes," Carroll said. "This bill will help to end the fraud and abuse we witnessed firsthand in 2008."

The proposal language and petition signature threshold requirements for getting citizen-created statutory laws or constitutional amendments on Colorado's ballot are some of the least constrained in the nation. That sense of ease to muddle with state law also brings with it a host of problems caused by well-meaning but uninformed citizens to carpetbagging activists market-testing the viability of national causes.

Last year complaints were filed with the secretary of state concerning the petition process for at least four of the states' ballot initiative proposals, which in 2008 numbered well into the double digits. Fourteen initiatives made it onto the Colorado ballot, the longest ballot in the country.

In the run up to the election, for example, petition circulators paid by Colorado Springs-based Kennedy Enterprises to gather signatures for proposed Amendments 47, 53 and 59 allegedly told citizens it was legal to sign someone else's name and that you didn't have to be a registered voter to sign the petitions. Both suggestions are in clear violation of the state's petition laws.

Protect Colorado's Future, a pro-labor group, hired signature-getters who had only vague knowledge of the petitions, leading voters to commit fraud by encouraging them to sign their names multiple times.

Proposed Amendment 46, the civil rights initiative backed by California-based anti-affirmative action consultant Ward Connerly, also came under legal fire. The petition drive for the amendment was marked by accusations of misrepresentation as well as of signature fraud. Citizens said they were led to believe they were signing in support of a pro-affirmative action initiative. A post-certification lawsuit filed against the initiative in April 2008 challenged the validity of thousands of signatures, pointing out duplicate signatures, nonresident signatures, and signatures that failed to match names on the state voter lists.

As Carroll put it in Tuesday's release: "Some paid petitioning is ripe for abuse."

Although the bill seems likely to gain support among lawmakers, pressure from outside the Capitol may mount against it.

Last year's Referendum O that would have tightened the ballot initiative process was defeated at the polls and attacked by infamous direct democracy proponents, like former Republican state Rep. Doug Bruce, the author of the Colorado Taxpayers Bill of Rights "which passed as a constitutional amendment in 1992.

That was the era when Colorado "long known as a cradle state of direct democracy" began to draw interest groups looking to field-test controversial laws at the ballot box.

In fact the states' loose initiative rules extend well beyond signature fraud and mark every stage of the process, from drafting requirements and legislative review to title setting and the increasingly expensive and often anonymously funded campaigns produced to persuade voters to vote for or against ballot proposals. The legal wrangling that now almost inevitably trails initiatives at every stage of the process has spurred analysts as well as lawmakers to consider remedies.

A 2002 task force composed of the National Conference of State Legislators recommended initiative states like Colorado firm up the processes substantially and non-initiative states avoid adopting the ballot initiative altogether.

Carroll's bill will likely be seen as a mere band-aid by critics of the initiative process and as an ominous opening salvo by proponents, a first shot in a wider effort to wrest power from the citizens.

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LOAD-DATE: March 25, 2009




Jill Brooks

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Colorado Springs ballot initiative news

From Ballotpedia

For information on the local ballot initiatives and ballot litigation.

Two initiatives make Colorado Springs November ballot

State Rep. Douglas Bruce submitted petitions June 17, 2008, with about 50 percent more signatures than the 11,470 needed to qualify two proposals for the Colorado Springs November 2008 ballot.^[1]

The proposals, if passed by voters, would dismantle Colorado Springs' Stormwater Enterprise and overhaul how the city's other enterprises operate. The clerk has until July 17 to complete the validation process.

The first proposal would require all city enterprises to bill and collect charges on a voluntary basis, excluding Memorial Health System. The second would phase out payments to the city from its enterprises in 10 years, with the savings passed on to customers. The measure would also ban loans, gifts, and subsidies between the enterprises and the city, excluding sales and use taxes.

City officials have said the measures could devastate the city budget. In wiping out the stormwater fee, city officials have said, voters would leave the city with no way to pay for a \$300-million backlog of drainage projects.^[1]

Bruce, author of the state's TABOR tax and spending limitations, said voters want to vote on tax increases. He said the stormwater fee, initiated in 2007, is a tax, because it's mandatory based on a property's impervious surfaces and because the city plans to place tax liens on properties for nonpayment. The city collects about \$15 million annually from the fee.^[1]

Initiative process strengthened in Colorado Springs

Dec. 11 2007-In Colorado Springs is facing a new initiative process due a lawsuit brought forth by Douglas Bruce when the City Council members refused to set titles for his tax-limitation issue. The new process will involve involves a citizen panel, public meetings and revisions to ballot measures. Council members described the measure as more "collaborative" and "common sense."^[2]

Paid circulators misleading voters?

Paid circulators are being accused of misleading voters when asking them to sign petitions. The group is circulation a petition that asks people to sign a "collective bargaining for city employees" petition. The circulators have associated themselves with benefits for the fire department even though the fire department would not benefit nor is associated with the petition. The group works for Kennedy Enterprises. According to the Colorado Springs

Gazette, Kennedy Enterprises was involved in an Indiana investigation in 2000 for placing the names of four people who had died on a petition drive to get then-Republican candidate Gary Bauer onto the state's presidential primary ballot.^[3]

Colorado Springs City Council refuses to set ballot title

In Colorado, Douglas Bruce has proposed a ballot measure to make city enterprises subject to voluntary payments only for the 2008 general election ballot. The Colorado Springs City Council voted 5-3 to refuse to set a ballot title for the measure. Bruce has already sued the council once and will be returning to court after being denied at the rehearing.^[4]

References

1. [↑] ^{1.0} ^{1.1} ^{1.2} *The Gazette*: "Bruce gets signatures to put anti-Stormwater plan on ballot," June 17, 2008 (http://www.gazette.com/articles/city_37398___article.html/stormwater_tax.html)
2. [↑] *New process OK'd to start petitions*, Colorado Springs Gazette, Dec. 11, 2007 (http://www.gazette.com/articles/process_30792___article.html/new_city.html)
3. [↑] *Methods used in petition drive under scrutiny*, The Coloradoan (<http://www.coloradoan.com/apps/pbcs.dll/article?AID=/20080116/NEWS01/801160328/1002/CUSTOMERSERVICE02>)
4. [↑] Colorado Springs Gazette, *Bruce ballot denied; court is next step* (http://www.gazette.com/articles/city_27736___article.html/bruce_ballot.html)

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Category: Colorado ballot news

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Right-to-work backers go directly to Plan B

7/4/2008

By Chris Bragg

THE COLORADO STATESMAN

Ballot measures that have been certified by Colorado's Department of State almost always reach the ballot.

In fact, only once in recent memory has a legal challenge caused a Colorado court to overturn the certification of a proposed amendment — in 1994 when the court upheld a challenge to the secretary of state's decision to certify an initiative to allow gambling in Trinidad.

That decision, however, eventually was overturned.

But a recent response from backers of Amendment 47 to a lawsuit seeking to overturn the amendment's certification could indicate that this particular legal strategy still has legs.

The backers of Amendment 47, which would make Colorado a "right to work" state, requested on June 27 that they be allowed to begin collecting "additional signatures to add to the current valid petition signatures and cure any potential insufficiency."

The move is odd because the backers asked for the allowance after Amendment 47 had been certified for the ballot but before Denver District Court determined whether anything unlawful happened in the course of gathering the signatures.

"You don't get a blood transfusion before you have surgery," quipped Jess Knox of Protect Colorado's Future, a coalition of labor groups and progressive activist groups that opposes the right-to-work initiative.

"What's unprecedented to me is that they didn't cure the problems when they had the opportunity," Knox added. "Now they want a further opportunity to gather signatures without admitting they made mistakes."

Typically, such a "curative" request to gather more signatures would be made only after a court decision has been rendered. Then again, the hard August 4 deadline to give the secretary of state's office all signatures for all initiatives and amendments is approaching rapidly.

Backers of Amendment 47 say the request to gather more signatures is part of their backup plan. The attorney who composed the request for Amendment 47's backers says he is using "aggressive litigation" rather than suggesting that opponents of the amendment might have a strong case.

"If that's the standard they're going to use, then, by the same standard you could say they're scared to death that this right-to-work initiative is going to pass," said Scott Gessler, a GOP election lawyer at the Denver firm Hackstaff Gessler. "I'll bet you dollars to doughnuts that their own internal polls show that it's going to pass."

"The other side can spin it all they want. Whatever," Gessler added. "The fact is, we'll let the courts decide, but we're pretty confident."

Amendment 47 would ask voters to amend the state constitution to say union membership and the payment of dues or fees could not be mandated as a condition of employment. The amendment is backed by a coalition of business owners. The lawsuit against the certification of Amendment 47 names Secretary of State Mike Coffman, Aurora City Councilman Ryan Frazier and Julian Jay Cole as defendants. Frazier and Cole submitted the ballot proposal, while Coffman is named because his office certified that the measure's supporters had enough signatures to qualify it for the ballot.

The lawsuit challenging Amendment 47 was filed on behalf of Protect Colorado's Future and alleges 29 violations, most of them against signature-gathering companies Kennedy Enterprises and Lamm Consulting, which were hired by the backers.

Allegations include claims that signature gatherers misled people by telling them they didn't have to be registered voters to qualify as petition signers, or that they didn't have to live

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have to be registered voters to qualify as petition signers, or that they didn't have to live in Colorado.

Qualified signature gatherers also must live in Colorado. Knox, however, has presented evidence showing circulators listed their residences at the addresses of a vacant lot, a defunct tanning salon and a payday-loan store. The lawsuit also alleges that citizens were encouraged to sign the petitions more than once and that unauthorized notaries were used to certify the signatures.

"At every step of the process there was criminal fraud and illegality," Knox said. "This is unprecedented."

A spokeswoman for the backers of Amendment 47 has called the charges "nothing more than a smokescreen and a sign of desperation."

Based on a random sample of the signatures conducted by the secretary of state's office, 94,546 signatures gathered for Amendment 47 were considered valid. That leaves a fairly narrow window of roughly 18,000 above what is required to qualify the amendment for the November ballot.

Gessler, however, said that even if some of the charges against the signature gatherers were proven — for instance, that some petition circulators listed inaccurate addresses — enough signatures would remain to keep the initiative on the ballot. He contends it would be removed only if one of the "global" charges were to result in an extremely high number of signatures being thrown out.

An example of such a global charge is that petitions were not correctly numbered, a potential violation that Gessler termed "about as minor as it gets." Gessler asserted that all potential global violations are similarly minor.

Protect Colorado's Future, however, takes a different view. They contend, for instance, that 53,000 signatures out of the more than 136,000 signatures gathered were from unregistered voters — something that, if proven, would not be considered minor by the court.

Neither side knows exactly when the lawsuit would be settled, although state statute says a decision on the matter should be made within 30 days of the response by the backers of Amendment 47. That response was made on June 27, so the end of July should be the latest that the suit could be decided.

Knox indicated that legal challenges also could be coming against Amendments 53 and 59, two other business-backed initiatives currently being circulated for November. Knox said he's hearing complaints about the signature-gathering processes for those possible amendments similar to the ones he heard concerning Amendment 47.

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Fort Collins Coloradoan (Colorado)

January 16, 2008 Wednesday

SECTION: NEWS; Pg. 1A

LENGTH: 487 words

HEADLINE: Methods used in petition drive under scrutiny

BYLINE: JASON KOSENA JasonKosena @coloradoan.com

BODY:

Paid consultants gathering signatures for a petition drive to put collective bargaining for city employees on the ballot this spring may have misled voters when asking for their support.

Poudre Fire Authority said some of its firefighters were told by petition gatherers, hired by the Fraternal Order of Police and other city employees, that the ballot language the petition supported would "benefit the firefighters and fire department."

"There were five or six (firefighters) contacted and given that information, and that is only the ones we know about," said Patrick Love, a PFA spokesman. "It's not going to benefit us because we are not part of that petition. We don't have any problem with what they are doing; we are just not involved in it in any way."

Fraternal Order of Police President Scott Goff said the union paid Kennedy Enterprises, a consulting firm from Colorado Springs, to help gather the 8,894 petition signatures needed to get the issue on the municipal ballot.

If passed, the measure would change the city's charter, akin to a constitution, to allow workers to unionize. It wouldn't automatically unionize workers; they'd have to organize and vote on that themselves.

Kennedy Enterprises was given a list of talking points by the FOP, but Goff said he was not aware of whether the consulting firm gave a script to signature gatherers, who are paid on a per-signature basis, or what any script might have said.

"If there was misinformation given out by signature gatherers ... I wouldn't support that," Goff said.

Calls to Dan Kennedy, owner of Kennedy Enterprises, were not returned Tuesday.

According to the Colorado Springs Gazette, Kennedy Enterprises was involved in an Indiana investigation in 2000 for placing the names of four people who had died on a petition drive to get then-Republican candidate Gary Bauer onto the state's presidential primary ballot.

The consulting firm was again involved in a 2006 investigation in Colorado Springs where a petition collector alleged the firm gave misleading information to people in order to obtain signatures for a Colorado Springs School District 11 recall election, according to the Gazette.

The El Paso County clerk found the claims to be unsubstantiated.

Fort Collins Mayor Doug Hutchinson, who opposes binding arbitration for city employees, said he received complaints from a number of residents in recent weeks about signature collectors using misleading information.

"Two or three different citizens at different times have told me that petitioners have told them that the City Council needed their help because they want this issue to be on the ballot," Hutchinson said. "I believe that this council is unanimous in opposing that element of this petition and would remind people that the City Council can add items to the ballot by majority vote."

Organizers have until Jan. 22 to turn in the required number of valid signatures to the city clerk's office.

LOAD-DATE: January 19, 2008

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May 30, 2008 Friday 4:15 PM EST

LENGTH: 511 words

HEADLINE: Anti-worker Work for less ballot groups commit fraud on Colorado...

BYLINE: wade norris

BODY:

May 30, 2008 (ColoradoPols.com delivered by Newstex) -- In many states around the country, voters are becoming all too acquainted with slickly worded ballot initiatives that have appealing names that often hide the true nature of their intent. It turns out that there are several agencies with Right Wing agendas that are behind these bad laws being passed, including laws like the recent "Personhood" initiative that if approved, would most likely become the first challenge to Roe Vs. Wade. But not so fast - it turns out that one group, Protect Colorado's Future has gathered enough information to prompt Reverend Daniel Klawitter and Reed Norwood to file a lawsuit as citizens against the Secretary of State, Mike Coffman to address the validity of the approval of this petition's place on the fall ballot.

(Coffman, incidentally is running for Tom Tancredo's vacated seat). more here... Through their lawsuit, they list over 29 instances of fraudulent activity in collecting signatures for the Right to Work initiative. In just one of these 29 instances, over 53,000 signatures that were not valid. These agencies circulating the petition also have been busy in many other states with their measures, in states like Nebraska, Michigan, Oklahoma, and Missouri. The Oklahoma Secretary of State has said this about one such group, the National Ballot Access - there was "an unprecedented situation where large numbers of duplicate names and addresses were discovered well into the signature counting process" These agencies, National Ballot Access, Kennedy Enterprises, and Lamm Consulting, are being funded here by none other than Johnathan Coors - of the Coors family. A victory in this lawsuit could potentially lead to other petitions filed by these groups, including the Personhood initiative, the Anti-Affirmative Action initiative that is circulating in other states such as Missouri, Oklahoma, Nebraska and Arizona, and many other extremist initiatives. Reporters have written already about how the GOP's hopes may well rely on these initiatives in the Fall election. You would think that in times with \$4 per gallon gas, record mortgage foreclosures, and a recession, these conservative groups would hold off on trying to pass Right to Work laws, but they won't be satisfied until a new feudal society is created. Let's hope this lawsuit stops these groups from passing more of their deceptive laws in our states. A word from Martin Luther King Jr. on Right to Work " In our glorious fight for civil rights, we must guard against being fooled by false slogans, such as 'right to work'. It is a law to rob us of our civil rights and job rights...It's purpose is to destroy labor unions and the freedom of collective bargaining by which unions have improved wages and working conditions for everyone...Wherever these laws have been passed, wages are lower, job opportunities are fewer and there are no civil rights. We do not intend to let them do this to us. We demand this fraud be stopped. Our weapon is our vote."Newstex ID: COP-0001-25659575

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LOAD-DATE: May 30, 2008

September 6, 2006 Wednesday

SECTION: METRO; Pg. METRO1

LENGTH: 585 words

HEADLINE: Challenges mounting in possible D-11 recall

BYLINE: SHARI CHANEY GRIFFIN THE GAZETTE

BODY:

More protests were filed Tuesday in the possible recall election of Colorado Springs School District 11 board members Sandy Shakes and Eric Christen.

Toby Norton filed two protests with the County Clerk and Recorder's Office, noting specific pages of petitions where she thinks signatures were not completed by the signer, signatures do not match voter identification documents or signers were misled by the petition gatherer.

Norton is an advocate for school reform and supported Christen and Shakes when they were elected in 2003.

In the protests, Norton asks the clerk to disqualify any signatures gathered by a list of about 20 people, "whom I believe misled people into signing the petitions."

Ann Oatman-Gardner, one of the recall organizers, said Norton's protest and a protest from Herbert Ruth filed last week are baseless.

A hearing to air Ruth's protest will be at 8 a.m. Friday in the county commissioners' conference room on the third floor of the county building, 27 E. Vermijo Ave.

Additional hearings will be scheduled for other protests.

Ruth says he collected signatures for the issue on behalf of Kennedy Enterprises and was told the recall would remove "two Bible-thumpers trying to get rid of public education." But, his protest says, the issue is really about someone getting fired.

"Firing a superintendent has nothing to do with doing away with public education," said Judy Ruth, Herbert Ruth's wife, Tuesday.

She encouraged people who signed the petition to go to the county clerk's office and ask that their signatures be removed.

Oatman-Gardner said information about why the committee wants Shakes and Christen recalled was on each petition; it's up to the signer to read the information or get other information and decide whether to sign the petition or not.

"You can recall anybody for any reason," she said.

Herbert Ruth also alleges petitions were left on doorsteps with no one to witness signatures.

Oatman-Gardner said carriers sign the back of the petition, swearing they saw the signatures placed on the petition.

She was unaware of anyone leaving a petition on a porch with no one to witness signatures.

"We really told people you can't do that," Oatman-Gardner said. "We're well aware of that rule."

In campaigning for a recall, the D-11 Chaos Recall Committee has cited Shakes' role in bringing Sharon Thomas to the district as superintendent and then firing her about a year later, and Christen's behavior, which they have labeled

rude and intimidating.

The board voted to fire Thomas in June. She was paid more than \$414,000 for the two remaining years of her threeyear contract.

Protests on the recall petitions can be filed until Sept. 11.

If the county rejects the protests, Christen and Shakes each have 10 days to submit a statement of 300 or fewer words, justifying their conduct.

If the election moves forward, it will likely be Dec. 12 if done by mail or Dec. 19 if voters cast ballots at polling places.

People interested in running for the board to replace a member would have to collect 50 signatures of D-11 registered voters on petitions from the district.

They would have to specify which of the two seats they are running for and could not be considered for both seats.

Voters would be asked four questions: two on whether they wish to recall Christen and Shakes, and a question for each one on a replacement if the recall is successful. Even if a resident votes against the recall, he or she can vote for a replacement.

CONTACT THE WRITER: 636-0394 or shari.griffin@gazette.com

LOAD-DATE: May 26, 2007

gazette.com

COLORADO SPRINGS *The Gazette*

Recall vote would be in December

By SHARI CHANEY GRIFFIN THE GAZETTE

2006-09-01 00:00:00

If there is a recall election for two Colorado Springs School District 11 board members, it will take place on one of two dates in December.

District Judge Kirk Samelson issued a temporary order at a hearing Thursday, saying the recall election should be on Dec. 12 if the election is done by mail or Dec. 19 if it is a traditional polling place election.

The judge's ruling can be challenged by the district, the El Paso County clerk and recorder, the End the D-11 Chaos Recall Committee or the two candidates it wants to recall — Sandy Shakes and Eric Christen, said Eric Bentley, attorney for the school district.

It also remains uncertain that a recall election will be held on any date, because some of the signatures on recall petitions handed in to the El Paso County Clerk's office have been challenged. If enough signatures are disqualified, there would be no recall election.

Christen has not challenged the petitions but was satisfied with Samelson's ruling, saying "I'm glad we're going to get our due process." Shakes was not available for comment.

Conflicting election laws had made it uncertain when a recall election would be held.

One part of the law calls for the recall election to be held as part of the general election Nov. 7. That, however, conflicts with deadlines for protesting, petitioning to be a candidate, and drafting ballot wording.

The school board will ultimately decide which date the election would be held, because it decides whether the election is done by mail or at polling places. The estimated cost of a mail ballot election is \$160,000, according to Bob Balink, El Paso County clerk and recorder. A polling place election would cost about \$200,000.

The December dates stem from election reform law that requires the election machinery be sealed for 30 days after the general election to be tested, and in case of disputes, said John Franklin, attorney in the county attorney's office.

If a mail election is held, less machinery would be needed and it could be ready to use by Dec. 12 after being sealed until Dec. 7, Franklin said.

Elaine Naleski, D-11's director of communications and community relations, said the district is happy to have potential dates for the possible election so the district can focus on other things.

Challenges of the petition signatures can be filed until Sept. 11.

Balink determined that the committee turned in more than the 15,000 valid signatures required to trigger a recall election, but those must withstand a 15-day protest period.

The first protest was turned in Wednesday by Herbert Ruth. He claims he collected signatures for the issue as an employee of Kennedy Enterprises and was told the recall would remove "two Bible-thumpers trying to get rid of public education." However, his protest says, the issue is really about someone getting fired, and Shakes and Christen are good people.

He also says petitions were left on doorsteps and there was no explanation about the recall on the petitions.

The recall committee pulled petitions June 6 to recall Shakes and Christen, who would be up for re-election in November 2007. They, along with Willie Breazell and Craig Cox, voted to fire then-Superintendent Sharon Thomas.

At a recall committee meeting Wednesday, organizer Norvell Simpson said the committee talked with the County Clerk and Recorder's Office and learned about potential scheduling problems and tried to work around the primary and general elections.

"We worked to make sure we hit the clerk's schedule," Simpson said.

In campaigning for a recall, the committee has cited Shakes' role in bringing Thomas to the district and then firing her a year later, and Christen's behavior, which they have labeled rude and intimidating.

Christen and Shakes were elected in 2003, along with Breazell and Cox. The four called for sweeping educational changes during a campaign that brought in nearly \$100,000 and an unprecedented endorsement from the governor.

The four-member majority quickly fell apart after the election, with Shakes siding, instead, with board members David Linebaugh, Karen Teja and Mary Wierman in key votes blocking vouchers and approving a new contract with the teachers union.

In 2005, voters elected John Gudvangen, Tami Hasling and Sandra Mann, whom Shakes supported during the campaign. But Shakes realigned with Breazell, Christen and Cox and voted to pay Thomas roughly \$420,000 to buy out the two remaining years of her three-year contract.

If the county rejects the protests, Christen and Shakes each have 10 days to submit a statement of 300 or fewer words, justifying their conduct.

People interested in running for the board to replace a member would have to collect at least 50 signatures of registered voters in the district on petitions from the district. They would have to specify which of the two seats they are running for and could not be considered for both seats.

Voters would be asked four questions: two on whether they wish to recall Christen and Shakes, and a question for each one on a replacement if the recall is successful. Even if a resident votes against the recall, he or she can vote for a replacement. Voters who do not vote on the recall could not vote for a replacement.

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May 12, 2004 Wednesday Final Edition

SECTION: OPINION/COMMENTARY/EDITORIAL; Pg. 39A

LENGTH: 755 words

HEADLINE: NEW LAMM IN THE FOLD

BYLINE: Peter Blake, Rocky Mountain News

BODY:

'Politics is in the blood,' concedes Scott Lamm, "but I like to stay behind the scenes. I'm not like my dad."

His dad is former three-term governor Dick Lamm, who still keeps a high profile by speaking out on health and immigration issues.

But a low profile can pay off, too. Scott Lamm, 36, is in line to become king of the state's initiative industry.

And a big industry it is, too. Most initiatives, state and local - and some office-seekers as well - now rely mostly on paid circulators to gather signatures. With a few notable exceptions, volunteer-run drives are passe.

If young Lamm is publicity-shy, it may be because he got off on the wrong foot, newswise.

Before going electronic in 1989, this newspaper's library kept its clips in little yellow envelopes. Scott earned his own envelope in 1982, at the age of 14. "Lamm, Scott," it says, over the subhead "Vandal."

It seems that Scott, then living in the governor's mansion, took out his BB gun and plinked a few windows in the apartment building across Logan Street. But he confessed almost immediately and paid \$50 in damages out of his own pocket. The police report called it "criminal mischief" but no charges were ever filed.

There was also the incident four years later in which Lamm and five friends broke into an acquaintance's apartment and took some stereo equipment and other items, allegedly because the victim owed Lamm \$35. But the six quickly settled up, paid the victim \$4,500 in damages and avoided criminal charges.

Lamm went on to attend Lewis and Clark College in Portland, Ore., then stayed in that area to do what he called "menial jobs" like telemarketing. Then he moved to San Francisco, where he worked for Intuit Inc., maker of software programs like Quicken.

In 1998 he returned to Colorado and spent three years apprenticing to Democratic political consultants Rick Reiter and Mike Stratton.

Since 2001 he's been concentrating on petitions because, he says, "campaign work is really hard." For a while he worked alone, but then he decided to join rather than fight Kennedy Enterprises of Colorado Springs, the big dog in the petition field.

They worked on Bighorn Center's two 2002 initiatives, one to promote the mail ballot, the other to end caucuses as a means of picking candidates. Both lost - but at least they made the ballot. Last fall Kennedy and Lamm helped volunteers with the Tracy Baker recall drive.

Currently they're working on the tobacco tax initiative and on Howard Gelt's effort to make the ballot in the 1st District race for CU regent. They're also hoping to handle whatever initiative the Bighorn Center and Bell Policy Center come up with to cripple TABOR.

Lamm said he's been told that RTD's FasTracks petitions may be circulated by volunteers, "but I'm skeptical of that." He says the only fully volunteer drives in recent years were Douglas Bruce's TABOR Amendment in 1992 and the initiative to close the "gun show loophole" in 2000, right after Columbine.

He said he and Kennedy have never failed to get an issue on the ballot, and Kennedy has handled about 100 over 12

years.

Lamm maintains hard-working circulators can make as much as \$80,000 a year - so long as they're willing to move and live out of a suitcase. That's mostly because in California they can earn \$3 or \$3.50 a signature. The going rate in Colorado is lower; Lamm and Kennedy like to keep it in the 70- to 90-cent range, but have been known to pay as much as \$2 a signature.

This year a statewide issue needs at least 67,829 signatures from registered voters. For safety that means collecting 100,000 names in all. They've learned the hard way they can't pay circulators, who are independent contractors, just for valid signatures. So long as the circulator can keep a validity rate of 75 percent, he'll get paid for every one. But if the rate slips to 40 percent or 50 percent, he'll get paid only for the good ones.

What they're trying to do now is keep California circulators from flooding the state, now that its petition season is about over. They prefer, and the law requires, that circulators have lived in Colorado at least 30 days.

He's not ideological or partisan. "We don't get into the politics of it," he said. "We work with Democrats, Republicans, even the Natural Law Party."

Kennedy expects to retire soon, and Lamm said he hopes to take over the business. "We have a little niche here," he said confidently. "We'll probably have more business than we know what to do with."

NOTES:

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COLORADO POLITICS

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June 19, 2010 Saturday
FINAL EDITION

SECTION: DENVER & THE WEST; Pg. B-01

LENGTH: 484 words

HEADLINE: FAILED NAME-GATHERING Fraud alleged in work by firm

BYLINE: Lynn Bartels The Denver Post

BODY:

Two Douglas County Republicans who hired a Nevada company to get on the August primary ballot found out just days before voter signatures were due that the efforts had fallen short.

The firm's attorney said Friday that "criminal behavior may have taken place."

Neither gubernatorial contender Joe Gschwendtner nor U.S. Senate candidate Tom Wiens will be on that ballot - a move that could impact who wins in November.

Gschwendtner's campaign said he was the "victim of fraudulent activities by contractors" of the Las Vegas firm, Silver Bullet LLC.

The company has taken responsibility and is considering civil action against a contractor it had used successfully in other states, attorney Russell C. Skousen said in a statement issued Friday.

"It additionally has come to Silver Bullet's awareness that criminal behavior may have taken place ... and Silver Bullet looks forward to helping with any investigation ... in any way possible," Skousen said.

What sort of criminal behavior is unclear. The campaigns declined to go into any detail about what happened.

Wiens and Gschwendtner chose to petition onto the ballot and collect 1,500 signatures from Republicans in each of Colorado's seven congressional districts.

They were shocked to learn there were problems, which Skousen outlined in his statement.

"The work was not only behind schedule and rife with errors that invalidated signatures, but the contractor gave Silver Bullet knowingly false progress reports," Skousen said.

When Silver Bullet made the discovery, it flew in a team of six people to try to "recount and re-validate every signature gathered, confirming the inaccurate numbers and error-ridden signatures," he said.

"At its expense," he continued, "Silver Bullet attempted to salvage the efforts by dramatically increasing the number of circulators collecting signatures, but to no avail."

Wiens dropped out of the race and endorsed former rival Ken Buck on May 24, three days before the petitions were due to the secretary of state. He did not mention signatures at the time.

Gschwendtner chose to "fight on," his campaign spokesman Kyle Fisk said, adding that the campaign "collected over 10,000 signatures in the final five days."

In addition to using volunteers, campaign finance records show Gschwendtner also hired a second signature company, Kennedy Enterprises of Colorado Springs, paying it at least \$34,000.

But the secretary of state ruled that Gschwendtner did not have enough valid signatures in three congressional districts.

Two other statewide candidates, Jane Norton for U.S. Senate and Walker Stapleton for state treasurer, successfully petitioned to get on the ballot. Both Republican campaigns paid the Kennedy firm about \$100,000.

The amounts Wiens and Gschwendtner paid Silver Bullet were not readily available on Friday. Skousen said Silver Bullet will reimburse both campaigns.

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LOAD-DATE: June 20, 2010



Bruce a no-show at campaign finance hearing

JOHN SCHROYER
2010-12-14 12:26:44

Neither Douglas Bruce nor anyone from his Active Citizens Together group showed up Tuesday to defend themselves against accusations of campaign finance violations.

A formal complaint filed in October charges that ACT violated state law by not reporting expenditures in excess of \$200,000 to the Secretary of State's office while it was campaigning on behalf of three controversial ballot measures.

ACT is registered as a 501(c)3 with the IRS, and is allowed to engage in a limited amount of lobbying. It isn't registered with the Secretary of State's office as an issue committee, however, and under state law, only registered issue committees can spend money to push political causes.

If ACT had registered as an issue committee, it would have had to report all of its campaign expenditures. ACT did not file any of seven required disclosure reports.

Because no representative from ACT was present, the hearing was one-sided. Denver attorney Mark Grueskin, of Rothgerber Johnson and Lyons, repeatedly slammed Bruce and ACT for denying that it's a political issue committee.

"ACT was up to its neck in the petition process," Grueskin argued.

Grueskin noted that ACT was paying a petition-gathering firm, Colorado Springs-based Kennedy Enterprises, to gather 300,000 signatures to get several initiatives onto the 2010 ballot. He said that's the definition of political.

ACT was the driving force behind Amendments 60 and 61 and Proposition 101. The trio of measures, which would have slashed various state taxes and fees, were dubbed "the ugly three" by opponents who claimed that the measures would devastate Colorado's economy.

ACT also paid for campaign brochures and yard signs supporting the three ballot measures, which Grueskin said was also against the law under ACT's legal status.

As the registered agent of ACT, Bruce wrote checks on behalf of the group, and paid for the petitions and other expenses. In August, however, Arvada resident Douglas Campbell became the registered agent for ACT.

Reached later in the day, Bruce called the hearing a "publicity stunt," and said the administrative "pseudo-court" has no jurisdiction.

Bruce asserted that ACT is not a political issue committee, and said that the court is required to hear any campaign finance complaint within 15 days after it is filed. The complaint was filed on Oct. 18, precisely 15 days before Nov. 2, Election Day. So the hearing was postponed until today.

"That's beyond 15 days. They can't have a hearing. It says 'shall.' (It's) mandatory," said Bruce. "On its face, there is no case."

Grueskin responded that a Colorado court ruled last year that the timing requirements of the administrative court is "directory, not mandatory."

Grueskin submitted extensive correspondence between Dan Kennedy — head of Kennedy Enterprises — and Bruce, which outlined direct orders from Bruce on the petitioning process. One of the orders was for petitioners to not identify Bruce as the prime backer of the measures.

In one missive, Bruce told Kennedy to make sure petition circulators use only medium-point pens, because "fine point are too hard to read." In another, Bruce suggested that circulators wear disguises and give fake names to avoid being framed for crimes.

ACT could be fined tens of thousands of dollars if an administrative law judge agrees with the plaintiff.

The judge has to issue a decision on the case within 15 days.

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